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PATENT
Attorney Docket No. 44921-5029-01-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **William E. Munger *et al.***)
Application No. **09/960,706**) Art Unit: **1631**
Filed: **September 24, 2001**) Examiner: **Majorie A. Moran**
For: **Identifying Drugs for and Diagnosis of**)
Benign Prostatic Hyperplasia using Gene)
Expression Profiles)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place, Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated January 16, 2004.
2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37C.F.R. § 1.17(a), for the total number of months checked below:

three months \$ 950.00

If an additional extension of time is required, please consider this a Petition therefor.

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3. Fee Calculation

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	9	minus	54	0	x \$18 each=	0
Independent Claims (37 C.F.R. §1.16(b))	1	minus	7	0	x \$86 each=	0
[] First presentation of Multiple dependent claim(s)					\$290.00	0
SUB-TOTAL =						
Two-Month Extension of Time Fee						
TOTAL FEE =						0

4. Fee Payment

- ☒ The Commissioner is hereby authorized to charge the amount of **\$950.00** for three- months extension of time to Deposit Account No. 50-0310.

5. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLPDated: July 16, 2004

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Customer Window, MAIL STOP- FEE AMENDMENT
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AMENDMENT UNDER 37 C.F.R. 1.111

In response to the Office Action dated January 16, 2004, the period for response to which extends to July 16, 2004 with the accompanying petition for three months extension of time, please amend this application as follows.

Amendments to the specification begin on page 2 of this paper.

Amendments to the claims begin on page 3 of this paper.

Remarks and arguments begin on page 5 of this paper.